

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

IN THE MATTER OF A PENDING
CRIMINAL INVESTIGATION


ORDER SEALING SEARCH
WARRANT MATERIALS

Good cause appearing from the affidavit of Detective Anthony Merrill, the Court finds that disclosure of the materials subject of this order would:

- [X] Jeopardize an ongoing law enforcement investigation;
[] Jeopardize the life or safety of one or more individuals whose identity and role may be determined from an inspection of those materials.

It is therefore ORDERED that the Affidavit for Search Warrant, the related Search Warrant and Seizure Order and the Return of Search Warrant issued December 19, 2018, enclosed herewith be sealed and not disclosed to any person until further order of this court.

Dated: 12/31/18


Karin J. Immergut, Circuit Court Judge

MULTNOMAH COUNTY CIRCUIT COURT
SEARCH WARRANT RETURN

The ORIGINAL WARRANT must be attached to this return.
The completed return must be mailed to issuing judge (at 1021 SW 4th Ave,
Portland, OR 97204) or delivered to that judge in person.

Do not email or fax this return.

PPB Case # 18-183742

The declarant identified below makes the following search warrant return:

1. This warrant was issued by Judge Karen Immergut
2. This warrant was issued on 12/19/18 at 3:15 am/pm.
3. The affiant was: ☒ the undersigned, or
☐ _____ BPSST# _____
4. The warrant was: ☐ not served, or
☒ served on 12/21/18 at 0800 am/pm.
5. During the execution of the warrant:
☒ No property was seized, or
☐ Property was seized, see attached _____ pages, or
☐ The below listed items were seized:

The warrant was submitted to the Portland Police
Bureau Computer Forensic Specialist Detective
Cory Stenzel #45663 on 12/21/18 to process
the Apple iPhone belonging to Nancy Lee Crampton
Prophyl

6. I hereby declare that the above statements (and the attached pages, if any) are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Anthony Merrill #35227
OFFICER SIGNATURE

Anthony Merrill #35227
PRINTED NAME

Agency: PPB DPSST# 35227 CONTACT # 503-793-2154

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

1 You are hereby commanded to search for evidence of crimes related to Murder (ORS
2 163.115) and Unlawful use of a Weapon (ORS 166.220) to test and examine to include, but not
3 limited to:

4 An Apple I-phone belonging to Nancy Lee Crampton Brophy which was seized by
5 Portland Police Bureau Detectives on September 5, 2018 during her arrest; ;
6

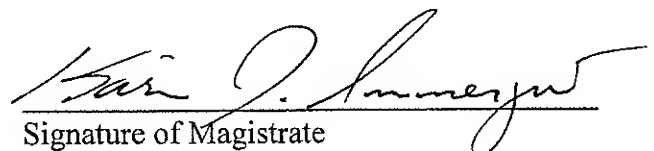
7 That I know this Apple I-phone to be currently stored at the Detective Division Satellite
8 Property Evidence Room on the 13th floor, Portland Police Bureau, located at 1111 SW 2nd
9 Avenue, City of Portland, County of Multnomah, State of Oregon.
10

11 And to seize and analyze the aforesaid objects of the search based upon the confines of the
12 Affidavit;

13 You are further directed to make return of this warrant to me within ten (10) days after
14 the execution thereof.

15 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until
16 otherwise ordered by the court.

17 ISSUED over my hand on December 19, 2018 at 3:15 a.m./p.m.
18

19 
20 Signature of Magistrate

21 Circuit Court Judge
22 Title of Magistrate
23
24
25
26

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 STATE OF OREGON }

AFFIDAVIT FOR

4 COUNTY OF MULTNOMAH }

SEARCH WARRANT

5
6 **ADDENDUM**

7
8 I, Anthony J. Merrill, upon my oath, do hereby depose and say that:

9
10 I am employed as a Detective with the Portland Police Bureau (PPB) and have been a
11 police officer for over twenty years. I have a Bachelor of Arts Degree with a major in Political
12 Science. I am currently assigned to the Detective Division and work as a member of the
13 Homicide Detail for over the last seven years. I have attended and completed the Oregon State
14 Basic Police Academy, the Portland Police Bureau Advanced Academy, and the Portland Police
15 Bureau Detectives' Academy. I was also assigned previously as a Detective to the Tactical
16 Operations Division as a member of the Gang Enforcement Team, Robbery, Cold Case
17 Homicide, Afternoon General Assignment, Fraud, and Assault Details. I have received training
18 from Wicklander-Zulawski & Associates in Interview and Interrogation, Third Degree
19 Communications, Inc. in Interview and Interrogation and Robbery Investigations, Inside the
20 Tape in Homicide and Crime Scene Management training, and multiple, annual Oregon
21 Homicide Investigator Association conferences of which I am a member and have presented
22 multiple case studies. I was assigned as a Patrol Officer at Central Precinct on afternoon and
23 morning shifts for four years, a Street Crimes Specialty Unit Officer for one and a half years, a
24 School Resource Officer for two and a half years, and a Mayor's Protective Detail Officer for
25 one year.

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 That I am seeking a search warrant for the following items:

4
5 An Apple I-phone belonging to Nancy Lee Crampton Brophy.

6
7 This item was seized and subsequently searched and examined upon the service of the
8 warrant signed by Multnomah County Circuit Court Judge Amy Holmes Hehn on September 7,
9 2018, which is attached and incorporated herein as Attachment 1. On September 5, 2018
10 Portland Police Detectives served another search warrant, which was signed by Multnomah
11 County Circuit Court Judge Karen Immergut, on the residence and vehicle of Nancy Lee
12 Crampton Brophy at [REDACTED] City of Beaverton, County of Washington, and
13 State of Oregon. Prior to the search of the residence Nancy Lee Crampton Brophy was placed
14 into custody and the Apple I-phone she was carrying was seized as evidence pursuant to the
15 search warrant.. That I know Nancy Lee Crampton Brophy's Apple I-phone is currently stored
16 at the Detective Division Satellite Property Evidence Room on the 13th floor, Portland Police
17 Bureau, located at 1111 SW 2nd Avenue, City of Portland, County of Multnomah, State of
18 Oregon.

19
20 That upon the service of the warrant signed by Multnomah County Circuit Court Judge
21 Amy Holmes Hehn on September 7, 2018, which is attached and incorporated herein as
22 Attachment 1, Detective Darren Posey, DPSST #29521, told me Nancy Lee Crampton Brophy's
23 Apple I-phone was downloaded and he examined the contents of this saved data from her cell
24 phone. Detective Posey told me there appeared to be a substantial amount of historical
25 information missing from her cell phone from the months of February 2018 through June 2018.
26 I know that the murder of Daniel Brophy occurred on June 2, 2018.

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

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3 Upon the service of the warrant on September 5, 2018 at Nancy Lee Crampton Brophy's
4 residence, Detective Posey told me lap top computers were seized. Detective Posey told me the
5 lap-top computers were imaged / copied in order to view the information. Detective Posey told
6 me he began viewing the information and found in the search history typed information for a
7 Glock 17 slide and barrels for sale. Through this search information Detective Posey told me he
8 found internet history indicating searches conducted for Glock 17 Gen4 9mm slide and barrels
9 for sale on EBay Incorporated. Detective Posey told me as he continued the analysis of the
10 searched items he saw Nancy Lee Crampton Brophy has an associated account with "PayPal"
11 which is a payment system used by EBay customers to pay for purchases through the EBay
12 system.

13
14 I know that the gun Nancy Lee Crampton Brophy purchased at the gun show on February
15 17, 2018 is a Glock 17 Gen4 9mm handgun. I know from my review of information found during
16 the search warrant service as well as articles written by Nancy Lee Crampton Brophy, she has
17 spent time studying and reading about police procedures as well as tactics used to conceal
18 criminal behavior. I know from my own training and experience with Glock handguns, they can
19 be manipulated in such a way so the slide and barrel from one Glock 17 handgun frame can be
20 interchanged with another handgun frame effectively changing the firearm. I know from my own
21 research and understanding of Glock firearms including my conversations with firearm experts
22 that changing the barrel and slide from one Glock frame to another Glock frame of similar model
23 will transfer the unique imprinting on the casing and bullet. I also know that the barrel and slide
24 though serialized by Glock are not registered and can be sold and purchased without making
25 notification with the Alcohol, Tobacco, and Firearms Administration (ATF) or other
26 governmental agencies.

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3

4 On October 19, 2018 Detective Posey told me he received search warrants for EBay

5 Incorporated and PayPal Incorporated from Multnomah County Circuit Court Judge Amy

6 Holmes Hehn. Detective Posey told me he served the warrants via their email portals. On

7 October 23, 2018 Detective Posey told me he received information from EBay Incorporated, and

8 on October 31, 2018 Detective Posey told me he received information from PayPal Incorporated

9 for Nancy Lee Crampton Brophy's payment and transaction history. Detective Posey told me he

10 conducted a review of the information on November 1, 2018 and found a transaction through

11 PayPal Incorporated for a purchase from Caroline Colt Company LLC. The transaction Detective

12 Posey told me he found was for \$364.99 dated on February 23, 2018, and coincided with Nancy

13 Lee Crampton Brophy's laptop computer search on EBay for a Glock 17 Gen 4 slide and barrel.

14 Detective Posey told me he checked the Caroline Colt Company LLC online and found their

15 contact information. Detective Posey told me he emailed the company and explained who he was

16 and asked if they retained information regarding transaction information for Nancy Lee

17 Crampton Brophy. On November 1, 2018 Detective Posey told me he was contacted by Patrick

18 Cowen of Caroline Colt Company LLC and he provided Detective Posey with the transaction

19 information he had for Nancy Lee Crampton Brophy. The transaction information provided by

20 Patrick Cowen showed an EBay purchase for a Glock Model 17 Gen 4 complete slide and barrel

21 9mm upper and included shipping information for February 26, 2018 to Nancy Brophy at [REDACTED]

22 [REDACTED] Beaverton Oregon with United States Postal Service tracking number

23 [REDACTED]

24 On December 11th, 2018, Officer Aaron Sparling, DPSST #45515, who is a Computer

25 Forensic Specialist assigned to the Detective Division, told me that he consulted Detective Cory

26 Stenzel, DPSST #45662, who is a certified Mobile Device Forensic Examiner assigned to the

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

1 You are hereby commanded to search for evidence of crimes related to Murder (ORS
2 163.115) and Unlawful use of a Weapon (ORS 166.220) to test and examine to include, but not
3 limited to:

4 An Apple I-phone belonging to Nancy Lee Crampton Brophy which was seized by
5 Portland Police Bureau Detectives on September 5, 2018 during her arrest; ;
6

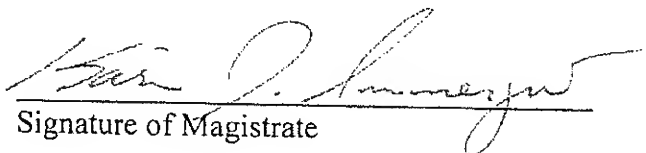
7 That I know this Apple I-phone to be currently stored at the Detective Division Satellite
8 Property Evidence Room on the 13th floor, Portland Police Bureau, located at 1111 SW 2nd
9 Avenue, City of Portland, County of Multnomah, State of Oregon.
10

11 And to seize and analyze the aforesaid objects of the search based upon the confines of the
12 Affidavit;

13 You are further directed to make return of this warrant to me within ten (10) days after
14 the execution thereof.

15 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until
16 otherwise ordered by the court.

17 ISSUED over my hand on December 19, 2018 at 3:15 a.m./p.m.
18

19 
Signature of Magistrate

20 Circuit Court Judge
21 Title of Magistrate
22
23
24
25
26

Attachment 1

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 MULTNOMAH COUNTY

3 STATE OF OREGON

4 COUNTY OF MULTNOMAH

} AFFIDAVIT FOR

} SEARCH WARRANT

5
6 I, Darren Posey, having been first duly sworn, depose and say that I am a Police
7 Detective, and I have been a sworn Peace Officer in the State of Oregon for 21 years, and have
8 been a Police Detective for over 12 years of that time. I have attended the Department of Public
9 Safety Standards and Training (DPSST) three-hundred and twenty (320) hour Basic Police
10 Academy, as well as a DPSST certified three-hundred and sixty (360) hour Advanced Academy
11 instructed by the Portland Police Bureau. I also attended a DPSST certified eighty (80) hour
12 Detective Academy. In addition to this training, I graduated Bethany University with a Bachelor
13 of Arts degree and graduated San Jose City College with an Associates of Arts degree. The
14 academies I have attended included training on investigating homicides, robberies, and assaults. I
15 am currently assigned to the Homicide Detail of the Detective Division for the Portland Police
16 Bureau. My current job assignment includes the investigation and apprehension of subjects who
17 have committed homicides, attempted homicides, and felony assaults;

18
19 That I am seeking a search warrant for the following items: 1. An Apple I-phone
20 belonging to Nancy Lee Crampton-Brophy, 2. a purple colored Lexar thumb drive, 3. a silver
21 colored HP laptop computer with serial number [REDACTED], 4. a black and gray colored HP
22 laptop computer with serial number [REDACTED], 5. A Garmin GPS mapping device;

23
24 The following information is provided to establish probable cause relative to the
25 information sought in this affidavit, and may not necessarily contain all of the facts and
26 circumstances I am aware of relative to this ongoing investigation.

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3 That On June 2, 2018 I was directed to respond to the Oregon Culinary Institute at 1701
4 SW Jefferson Street, City of Portland, County of Multnomah, State of Oregon to conduct an
5 investigation related to the homicidal death of Daniel C. Brophy. The assigned Case Number is
6 18-183742. During the course of this investigation I oversaw the collection of information from
7 the crime scene located in and around the Oregon Culinary Institute located at 1701 SW
8 Jefferson Street, City of Portland, Multnomah County, and State of Oregon.

9
10 After reviewing the initial police response, talking to officers present at the scene and
11 debriefing with other investigators who were present, the following information has been
12 developed regarding Case Number 18-183742. I was informed by Sergeant Whattam that police
13 were called to respond to investigate a subject who had been recently shot with a gun and had
14 died in one of the kitchen areas of the Oregon Culinary Institute at 0823 hours on June 2, 2018.
15 The subject who had been killed was identified as Daniel C. Brophy who was an employed
16 instructor at the Oregon Culinary Institute. I personally observed that Daniel C. Brophy's injuries
17 were such that they could not have been self-inflicted, and no firearm was located at the scene.
18 The location of the crime occurred inside the institute, and I learned from staff and personal
19 observation the institute did not have any security surveillance camera systems. After contacting
20 the students and other staff members responding officers were not able to identify any eye-
21 witnesses who had heard or seen the actual crime occur. During the initial interviews with
22 institute administrators I was unable to identify any subjects who had a current grudge or dispute
23 with Daniel C. Brophy.

24
25 While at the location of occurrence I conducted an audio recorded interview with the wife
26 of Daniel C. Brophy. The wife's name is Nancy Lee Crampton-Brophy. Nancy Lee Crampton-

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3 Brophy told us she had come to the Oregon Culinary Institute because a friend had called her
4 about an incident at the institute and it was on the news. Nancy Lee Crampton-Brophy told me
5 she had attempted to call Daniel C. Brophy without result. We spoke to Nancy Lee Crampton-
6 Brophy in order to determine when Daniel C. Brophy left his home and what routines he keeps in
7 the morning. Nancy Lee Crampton-Brophy provided a timeline for when Daniel C. Brophy had
8 left their house that morning and she also provided some background information about her
9 husband. Nancy Lee Crampton-Brophy told us she believed Daniel C. Brophy left their residence
10 in Beaverton sometime around 0705 hours and would have arrived at the institute about ten
11 minutes or so later as they only live about five miles away. Nancy Lee Crampton-Brophy also
12 indicated she was at home at the time her husband left the house. Nancy Lee Crampton-Brophy
13 told us she did not know of any dispute or problem with any person that would provide a motive
14 for this incident. Nancy Lee Crampton-Brophy told us Daniel C. Brophy was well liked at the
15 institute and with the students. Nancy Lee Crampton-Brophy told us she and her husband had
16 decided to buy a handgun in February of this year (2018) after hearing about the school shooting
17 in Florida. Nancy Lee Crampton-Brophy told us she believed it was still at the house, but had not
18 looked at it recently. Nancy Lee Crampton-Brophy said they had not used it as they were not
19 really people that were familiar with guns. Nancy Lee Crampton-Brophy described the gun as a
20 Glock handgun in 9mm caliber.

21
22 While Nancy Lee Crampton-Brophy was at the Culinary Institute with us we asked if we
23 could drive her back home and check if the firearm was still at the house, as we were unsure if
24 Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been
25 used against him in some way. Nancy Lee Crampton-Brophy agreed, and Detective Beniga and
26 Detective Broughton travelled with her back to her house to check the condition of the firearm. I

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3 observed the vehicle Nancy Lee Crampton-Brophy was driving was a gray colored Toyota
4 Sienna mini-van with a roof rack and tinted windows.

5
6 Detective Beniga later told me Nancy Lee Crampton-Brophy gave the Glock 9mm
7 handgun to them for safekeeping. The gun was found in its box without ammunition along with
8 magazines and the slide zip-tied through the barrel.

9
10 During this investigation a canvas for video surveillance was conducted of the
11 surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative
12 technique designed to locate and identify potential suspects, suspect transportation, and avenues
13 of escape by the perpetrator. I had been informed by Detective Merrill that the Bellagio's Pizza
14 restaurant located across the street from the Oregon Culinary Institute had a security surveillance
15 system and had a camera that covered SW Jefferson Street just west of the Culinary Institute.

16
17 While watching the video at the Bellagio's location I observed a dark colored minivan
18 drive west bound on SW Jefferson Street from the area of the Oregon Culinary Institute. The
19 vehicle looked just like the mini-van driven by Nancy Lee Crampton-Brophy. The time the mini-
20 van travels west from the area of the institute was 0728 hours (AM) as adjusted from the
21 surveillance system that was synced to Eastern Standard Time. The mini-van on the video
22 appeared to be driven by a subject who had gray hair. As Detective Beniga was at the house of
23 Nancy Lee Crampton-Brophy we asked him to take some pictures of her vehicle in order to
24 compare it with the video. Detective Beniga told me when he was taking pictures of the mini-
25 van; Nancy Lee Crampton-Brophy spontaneously stated, "Why? I wasn't there this morning, I
26 was at home." I had observed Nancy Lee Crampton Brophy on the morning of June 2, 2018 and

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3 observed she had gray colored hair, fair skin, and was wearing dark colored clothing.
4

5 The information developed from the crime scene and the autopsy conducted the
6 following day determined the bullets involved in the shooting were 9mm in caliber and were
7 fired by a semi-auto type handgun. The casings found at the crime scene were stamped "sig 9mm
8 luger" with silver colored exteriors. I was also able to find from the Oregon Culinary Institute
9 staff that Daniel Brophy had deactivated the alarm for the institute building at approximately
10 0721 hours on June 2, 2018. From the information developed from the autopsy and the initial
11 observance by the Medical Examiner Daniel Brophy was shot in the back once and shot in the
12 chest once. Both bullet impacts were centrally oriented on his body and both bullets traversed the
13 heart. Daniel Brophy did not have any defensive type wounds on his body. I noted no items or
14 money appeared to have been taken from Daniel Brophy and no sign of a struggle or disturbance
15 was present at the crime scene. Further, no items were found to be disturbed or missing from the
16 Oregon Culinary Institute.
17

18 During the initial investigation the cell phone belonging to Daniel Brophy the deceased
19 victim was located on his person during the incident. The phone was seized as evidence and its
20 information downloaded by Detectives in order to preserve the evidence. I personally reviewed
21 the information on the phone in an attempt to discover possible motive and suspect information
22 related to Daniel Brophy's murder. During the review I found a website book mark for the title
23 "10 ways to cover up a murder." I later had contact with Nancy Brophy who confirmed she and
24 Daniel Brophy had a shared Apple I-Tunes account for their phones. From my research into
25 Apple's I-Tune family sharing plans, I know that internet searches and bookmarks are saved to
26 the accounts search history and viewable from any phone attached to the account. I know from

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3 talking to Nancy Lee Crampton-Brophy she is a romance novelist and has several books
4 published. I also know from my investigation and interview with Nancy Lee Crampton-Brophy
5 she is involved with medical insurance counseling and is familiar with life insurance programs.
6

7 I also took time to compare the surveillance video with the pictures of Nancy Lee
8 Crampton-Brophy's mini-van. As I observed the photos I noted an older scratch with indentation
9 of the driver's side rear quarter panel between the top of the rear wheel well and the fuel door.
10 The scratch/indentation was rusted and had been on the vehicle for some period of time. As I was
11 able to view the video with a better monitor, I could see the same deformation in the mini-van on
12 the Bellagio's Pizza surveillance video. I could also see the driver's appearance was consistent to
13 Nancy Lee Crampton-Brophy's appearance.
14

15 After further canvassing I noted we were able to find additional video that pictured the
16 same mini-van at the same time frames circling the area at 0708 hours. Located to the west of the
17 Culinary Institute is a MAX platform called the Goose Hollow Station and has a series of camera
18 systems. Detective Merrill and I were able to secure the platform video for this station from 0630
19 hours to 0730 hours. Detective Merrill and I later reviewed these videos and were able to locate a
20 van matching the description of the Toyota Sienna belonging to Nancy Lee Crampton-Brophy
21 driving in towards the Oregon Culinary Institute at 0641 hours from the west. In one of the
22 videos we were able to identify a portion of the license plate on the gray colored Toyota Sienna
23 mini-van. The viewable digits are "67 B." I was not able to specifically identify the first digit and
24 the last two digits listed on the license plate, but I was able to narrow what is seen into a range of
25 possible digits. The first digit of the plate could be a "0," but it is not completely clear enough to
26 be sure in my estimation. The other digits of the plate observed are consistent with "Q" and "X,"

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3 but could also possibly be a "D" and a "K." The license plate for the Toyota Sienna mini-van
4 belonging to Nancy Lee Crampton-Brophy is assigned Oregon State License number "067
5 BQX." I know from my own internet research that Toyota made the same body and light
6 configuration for the Sienna mini-van for 2004 and 2005 models, and I know that the Toyota
7 Sienna mini-van registered to Daniel Brophy match that model seen in the video surveillance I
8 viewed. An Oregon DMV search indicates about 21 vehicles licensed in the State of Oregon to
9 2004 and 2005 Toyota Sienna vans could fit this partial license plate combination.

10
11 The other videos recovered and viewed were able to document a general area of travel for
12 the mini-van. The van is seen arriving on SW Jefferson Street and SW 20th Avenue heading east
13 towards the Oregon Culinary Institute at 0641 hours. The vehicle is seen heading north on SW
14 18th Avenue. The van is later seen stopping in front of KGW Studios on SW Jefferson east of the
15 Oregon Culinary Institute. The vehicle waits a short period of time then drives west by another
16 camera located at 1734 SW Jefferson Street and continues west travelling by Bellagios
17 Restaurant at 0708 hours. The van is then seen traversing the roundabout at SW Jefferson and
18 SW 18th Avenue where it is encountered by a PGE video security camera located at SW
19 Columbia Street and SW 16th Avenue. On this camera the mini-van turns left and drives north on
20 SW 17th Avenue towards the Oregon Culinary Institute one block away. The vehicle is not seen
21 driving by the other cameras until 0728 hours as it drives by Bellagios Restaurant again as it
22 heads west towards Beaverton. The vehicle is also observed again at the Goose Hollow Tri-Met
23 Station continuing west on NW Jefferson Street and out of view heading towards Beaverton
24 Oregon. Based on the totality of this information I believe Nancy Lee Crampton-Brophy was
25 circling the area in her dark colored mini-van prior to Daniel C. Brophy's arrival at the Oregon
26 Culinary Institute, and Nancy Lee Crampton-Brophy was watching for Daniel C. Brophy's

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3 arrival in order to effect his eventual murder.
4

5 It should be noted a court order/warrant was served on the AT&T account for the cell
6 phone number of Nancy Lee Crampton-Brophy for the historical location information for the
7 phone. The return of the warrant information requested is still being analyzed, but initial
8 indication shows the phone located in the area of Nancy Lee Crampton-Brophy's residence in
9 Beaverton Oregon during the time of the incident when Daniel Brophy was murdered. According
10 to the initial analysis from the Detective Division crime analyst, Nancy Lee Crampton-Brophy's
11 phone was not used but was on and connected to a nearby cell site.
12

13 On June 5th, 2018, four days after Daniel Brophy's murder I received a call from Nancy
14 Lee Crampton-Brophy inquiring as to a letter clearing her as a suspect in the death of her
15 husband Daniel Brophy. During this investigation I have been contacted by four different
16 insurance agencies and I have learned that Nancy Lee Crampton-Brophy is the beneficiary of
17 these policies to an approximate value in excess of \$350,000.
18

19 During this investigation I spoke to Nathaniel Stillwater the son of Daniel Brophy on
20 June 27, 2018. During our conversation I learned Nancy Lee Crampton-Brophy used to sell life
21 insurance. I also found Nathaniel Stillwater was unaware of the recent purchase of a handgun by
22 Nancy Lee Crampton-Brophy. Nathaniel Stillwater told us he was surprised about the purchase
23 of the gun, and thought it was odd as he did not know they were considering such a purchase.
24 Nathaniel Stillwater told us he did not consider Nancy Lee Crampton-Brophy or his father to be
25 the type of people to own a gun. Nathaniel Stillwater told us he is familiar with firearms and
26 owns several firearms for hunting and sporting activities. Nathaniel Stillwater told us his father

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3 knew this about him, and he thought his father would have likely talked to him about such a
4 purchase.

5
6 Nancy Lee Crampton-Brophy told me she purchased the firearm at a gun show in
7 February 2018, and she had not used the gun or had any ammunition to load into the firearm.
8 When she gave the firearm to Detective Beniga she also provided a copy of the purchase receipt.
9 The receipt listed J&B Firearm Sales as the vendor who sold the firearm to Nancy Lee
10 Crampton-Brophy. I confirmed the serial number on the firearm matched that of the receipt. I
11 went to J&B Firearms located at 10201SW Beaverton-Hillsdale Highway in Beaverton Oregon.
12 I spoke with the employees there and they informed me that when they sell firearms at the gun
13 shows they do not sell ammunition. The employees showed me the type of zip ties they use for
14 securing weapons at the gun shows. I noted the zip tie used was similar to the one found on the
15 gun Nancy Lee Crampton Brophy had turned over for safe keeping. While at J&B Firearms I
16 noted they had the same type of ammunition for sale that was found in the crime scene. I also
17 noted that J&B Firearms Store is located less than a mile away from Nancy Lee Crampton
18 Brophy's home address.

19
20 On August 29, 2018 I submitted an affidavit for a warrant to test and analyze the Glock
21 17 firearm given to Detective Beniga and Detective Broughton for safe keeping by Nancy Lee
22 Crampton Brophy. Multnomah County Circuit Court Judge Amy Holmes-Hehn issued a warrant
23 to test and analyze the Glock 17 handgun with serial number [REDACTED] I transferred this firearm
24 along with the two casings and bullets recovered from the crime scene to the Oregon State
25 Criminal Laboratory on August 29, 2018. On September 4, 2018 I spoke to Leland Samuelson
26 the forensic scientist and firearm expert who conducted the analysis of the handgun, casings, and

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3 bullets. Leland Samuelson told me the Glock 17 handgun with serial number [REDACTED] was not
4 the gun that fired the bullets that killed Daniel Brophy. Leland Samuelson told me the gun used
5 to shoot the ammunition components from the crime scene was most likely a different Glock
6 handgun of 9mm caliber. Leland Samuelson confirmed the same gun was used to fire both
7 bullets in the murder Daniel Brophy. I believe it to be more likely than not, given Nancy Lee
8 Crampton-Brophy's experience, she understood that a lawfully purchased firearm is easily
9 traced, and that she abandoned her plan to use the Glock firearm she had lawfully purchased. I
10 also believe that it is more likely than not that Nancy Lee Crampton-Brophy purchased, or
11 otherwise obtained, another firearm in order to carry out the murder. I believe it is more likely
12 than not that Nancy Lee Crampton-Brophy conducted research online about the purchase of
13 firearms and even visited websites where firearms can be purchased lawfully as well as through
14 black market type transactions.

15
16 On September 5, 2018 Portland Police Detectives served a search warrant on the
17 residence and vehicle of Nancy Lee Crampton-Brophy at [REDACTED] Beaverton,
18 Oregon. Prior to the search of the residence Nancy Lee Crampton Brophy was placed into
19 custody and the Apple I-phone she was carrying was seized as evidence pursuant to the search
20 warrant. During the search of the residence a purple colored Lexar thumb drive attached to the
21 residential keys provided by Nancy Lee Crampton-Brophy was seized, a silver colored HP laptop
22 computer with serial number [REDACTED], and a black and gray colored HP laptop computer
23 with serial number [REDACTED] During the processing of documents found at the residence
24 during the initial search of the residence, Sergeant Whattam found several more life insurance
25 policies from eight different agencies. The amounts of coverage and who is covered under the
26 policies is still being developed, and three of the agencies are part of what I had located earlier. I

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3 was told by Sergeant Whattam that some of the policies were opened the year 2012. Detective
4 Merrill located a Garmin GPS mapping device in the gray colored Toyota Sienna mini-van with
5 Oregon license plate 067BQX.

6
7 On September 6, 2018 I was notified by Sergeant Burley he had been contacted by a
8 reporter who had found an online writer's blog post called "See Jane Publish" where Nancy
9 Brophy authored an article called "How to Murder Your Husband by Nancy Brophy." The article
10 was published on November 4, 2011. I viewed this article and noted the number one motive for
11 murdering your husband was "financial." Also, under the "Options to Consider" section in the
12 article, "Guns" is listed as the first option. The opening paragraph to the article also states "I
13 spend a lot of time thinking about murder and, consequently, about police procedure." (See
14 attached article, EXHIBIT A) It is clear that Nancy Lee Crampton-Brophy has conducted
15 research into the motives, planning, and concealing the crime of murder, and that research is
16 likely to be found on her electronic devices.

17
18 **Electronic Search:**

19
20 I am requesting a warrant to search the following electronic devices for evidence of the
21 crimes of Murder, as defined in Oregon Revised Statute 163.115, and Unlawful Use of a
22 Weapon, as defined in Oregon Revised Statute 166.220, and to authorize the processing, testing,
23 analyzing, comparing, and/or searching of this evidence by me and other Detectives with the
24 Portland Police Bureau, Criminalists from the Portland Police Bureau Forensic Evidence
25 Division and/or other Forensic Investigators with the Oregon State Police Criminal Laboratory,
26 or any other sworn law enforcement agency within the State of Oregon: 1. An Apple I-phone

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3 belonging to Nancy Lee Crampton-Brophy, 2. a purple colored Lexar thumb drive, 3. a silver
4 colored HP laptop computer with serial number [REDACTED], 4. a black and gray colored HP
5 laptop computer with serial number [REDACTED] 5. A Garmin GPS mapping device;

6
7 From my training and experience as a police detective along with conversations with
8 other investigators I know that more likely than not persons involved in premeditated murder
9 will conduct extensive research and planning in order to conduct and conceal their crime. This
10 research includes internet searches with personal home computers, cell phones, and other
11 electronic devices on how best to conduct a murder as well as how to avoid detection. I know
12 from my training and experience investigating similar premeditated crimes that these internet
13 searches can be bookmarked for future access providing evidence of intention and motive, I also
14 know these internet searches will include inquiries into areas on how to flee apprehension, as
15 well as ways to best benefit from the commission of the crime, such as insurance agency
16 protocols and correspondence for payment of benefits from various policies and insurance
17 agencies. I know this research and planning can be found on electronic devices such as
18 computers, electronic devices, smart phones, and small memory storage devices. I further believe
19 that it is more likely than not that this type of evidence will be located within the I-Phone
20 belonging to Nancy Lee Crampton-Brophy as well as the Lexar thumb drive (a type of electronic
21 device), and HP laptop computers seized pursuant to a previous search warrant, and because of
22 the previously mentioned bookmark on the Brophy's shared iPhone account revealing a prior
23 search for "10 ways to cover up a murder."

24
25 Based upon this ongoing investigation I believe the planning of the murder of Daniel Brophy
26 has been conducted sometime prior to the posted article of "How to Murder Your Husband" on

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3 November 4, 2011.
4

5 *A. Type of Search*
6

7 The type of search to be performed includes creating an “image” of the contents of the
8 cell phone, computers and other electronic devices to be performed using forensic imaging tools
9 that are appropriate to analyze these specific devices. An “image” of a device means that the tool
10 used to conduct the analysis will attempt to copy an exact mirror copy of all data from the
11 original device into a forensic copy; such copy can be later verified as a true and accurate copy
12 of the contents for evidentiary purposes. The particular tools necessary to analyze the phone,
13 computers and electronic devices cannot be reasonably ascertained at this time due to the fact
14 that different tools work better or worse dependent on: (1) the type of phone, computer and
15 electronic device, (2) the specific operating systems being used including operating system
16 updates, and (3) ongoing updates to the tools themselves that improve their capabilities. The tool
17 will capture all data possible on the devices and provide it to Law Enforcement as an “image” of
18 the contents of the device. However, said tools and analysis do not include automatically using
19 the device as a portal to access and download other information stored on internet based sources
20 which are not stored locally on the device itself.
21

22 Once the image and any report concerning the images is produced to your affiant, the
23 search of that image for relevant evidentiary data will be limited to the terms of this warrant. The
24 search of the device and its image will be limited to the types of evidence sought below;
25 however, the court should be advised that modern electronic communications devices and
26 computers store these types of information in any myriad number of file structures and databases

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3 and are often not segregated into discrete files that can be reasonably anticipated by your affiant
4 prior to beginning the analysis.

5
6 *B. Evidentiary Data Sought*

7
8 I request the court authorize a warrant to search the data contained in the various
9 electronic devices described herein, including the device's forensic image, for the following
10 types of data:

11
12 I. Electronic Contacts

13
14 Given my knowledge, training and experience described in this affidavit and with
15 particularity that described within this section below, I request the court authorize a search of the
16 Contacts stored on the phones, computers, and electronic devices and imaged copies of these
17 devices.

18 Based on my training and experience, I know that persons who commit premeditated
19 homicides will more likely than not use electronic devices, such as smart cell phones and
20 computers or electronic storage devices, to plan their crimes, research their intended target,
21 research how to evade detection, and coordinate with potential co-conspirators before, during,
22 and after the crime. Based on my training and experience and conversations with other
23 investigators contact information is important to understanding motive and purpose for
24 premeditated murder as contact information can reveal secret affairs, secret monetary
25 transactions, and illegal firearm purchases. Based on my training and experience, the stored
26 contacts of the phone will, more likely than not, provide evidence of these crimes in the above

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3 described manner. Further, as described in the section entitled "Stored Communications" the
4 contacts list will be necessary to understand to whom stored communications were sent and
5 received. Additionally, it is not feasible to separate out the Contact list stored on a phone or
6 computer or other electronic devices from the stored communications seizure since, based on my
7 training and experience, I know that electronic devices will frequently cross-populate stored
8 communications with stored contacts such that a text messages or calls received from a phone
9 number known to the phone device or computer because such number has a corresponding
10 contact, and will automatically display the contact information stored in the device.

11
12 II. Cell Phone Call history and call logs

13
14 Given my knowledge, training and experience described in this affidavit and with
15 particularity that described within this section below, I request the court authorize a search of the
16 cell phone, and imaged copy of said phone, for call history and call logs on the cell phone
17 created or modified from November 4, 2011 until the apprehension of Nancy Lee Crampton-
18 Brophy on September 5, 2018.

19
20 I know from my training and experience that persons with cell phones will, more likely
21 than not, store phone numbers for persons under real names or nicknames and that, more likely
22 than not, when a name and phone number are saved into a phone, they will come up on the caller
23 identification automatically when the phone receives a call. I know from my training and
24 experience that cell phones will preserve a call history for persons who call to or from the cell
25 phone. This call history will display the associated real or nick name of the person called or
26 calling along with the phone number called or calling. I know that this call log history and

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3 contact history can, more likely than not, provide evidence of possible co-conspirators to the
4 crime and evidence concerning the location of evidence used in the crime, the contacts the
5 suspect spoke to during and near the commission of the crime, establish or refute alibi's of the
6 defendant, corroborate or dispute accounts of other witnesses including the suspect and provide
7 evidence the defendant's motive and intent when committing the crime. Such communications
8 can occur through voice phone calls recorded in the call history and call logs, stored voicemails,
9 images and pictures sent between confederates, text messages or similar plain text
10 communications, and email communications. I know from my training and experience
11 investigating similar crimes that the call history and call logs providing evidence of the crime
12 will, more likely than not, be found throughout the planning phase of the crime until the
13 apprehension for the crime. Call logs and call history about the crime involving the plotting,
14 planning and execution will, more likely than not, be found throughout the planning phase of the
15 crime and through the date of the crime while call logs and call history after the crime involving
16 discussions of the concealment of evidence linked to the crime, as well as discussions on escape,
17 and avoiding apprehension, more likely than not, will be found until the eventual date of
18 apprehension.

19
20 **III. Stored electronic communications**

21
22 Given my knowledge, training and experience described in this affidavit and with
23 particularity that described within this section below, I request the court authorize a search of the
24 phones, computers, and electronic devices and imaged copies of these devices, for stored
25 communications on the cell phones, computers, and electronic devices and imaged copies of
26 these devices created or modified from November 4, 2011 until the date of Nancy Lee

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3 Crampton-Brophy's apprehension on September 5, 2018.
4

5 I know from my training and experience that cell phones, computers, and electronic
6 devices can be used to store communications in a number of methods. The cell phones,
7 computers, and electronic devices can store communications sent and received by text
8 messaging, voice to text transcripts, voicemail, images, videos, and email communications. I
9 know from my training and experience such stored communications include evidence prior to
10 and during the execution of the crime such as planning, plotting and execution of the crime along
11 with evidence that occurs after the commission of the crime such as the concealment of the crime
12 as well as potential monetary proceeds from the commission of the crime.
13

14 From my training and experience, I know that more likely than not persons involved in
15 premeditated murder will conduct extensive research and planning in order to conduct and
16 conceal their crime. This research includes internet searches, internet chat room communications,
17 and social media messaging on how best to conduct a murder as well as how to avoid detection. I
18 know from my training and experience investigating similar premeditated crimes that these
19 searches can be saved and bookmarked for future access providing evidence of intention and
20 motive, I also know these internet searches will include inquiries into areas in which to flee
21 apprehension, as well as ways to best benefit from the commission of the crime, such as
22 insurance agency protocols and correspondence for payment of benefits from various policies.
23

24 The stored electronic communications on the cell phones, computers, and electronic
25 devices and imaged copies of these devices involving the plotting, planning and execution will,
26 more likely than not, be found throughout the planning phase of the crime and through the date

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3 of the crime while the stored electronic communications after the crime involving discussions of
4 the concealment of evidence linked to the crime, as well as discussions on avoiding
5 apprehension, more likely than not, will be found until the eventual date of apprehension of
6 Nancy Lee Crampton Brophy on September 5, 2018.

7
8 IV. Pictures, Videos, Audio files and other Media

9
10 Given my knowledge, training and experience described in this affidavit and with
11 particularity that described within this section below, I request the court authorize a search of the
12 pictures, videos, audio files and other media on the cell phones, computers, and electronic
13 devices and imaged copies of these devices, for said items created or modified from November
14 4, 2011 until the apprehension of Nancy Lee Crampton-Brophy on September 5, 2018.

15
16 I know from my training and experience that pictures, videos, audio files and other forms
17 of electronically stored media collected out of the memory of cell phones, computers, and
18 electronic devices can provide investigators with information that, more likely than not, provides
19 evidence of the crimes described in this affidavit to include evidence prior to and during the
20 execution of the crime such as planning, plotting and execution of the crime along with evidence
21 that occurs after the commission of the crime such as the profits and concealment of the crime. I
22 know from my training and experience that persons involved in the criminal acts described in
23 this affidavit more often than not possess on their cell phones, computers and electronic devices
24 photographs or videos showing themselves and the clothing they were wearing on a particular
25 date and time and these photos often will have time stamps and GPS locations attached to them.
26 Additionally, audio files can include voicemails left to and from other subjects such as

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3 confidants or love interests discussing the homicide and providing additional evidence of the
4 motive, opportunity and plan of the incident. Further, based on my training and experience, I
5 know that persons committing these criminal acts will, more likely than not, possess images or
6 videos depicting the location of the crime such as pre surveillance for planning the criminal
7 action. I know from my training and experience investigating similar crimes that these images,
8 videos, audio files and media providing evidence of the crime will, more likely than not, be
9 found throughout the planning phase of the crime until the date of apprehension. Images, videos,
10 audio files and media about the crime involving the plotting, planning and execution will, more
11 likely than not, be found throughout the planning phase of the crime and through the date of the
12 crime while Images, videos, audio files and media after the crime involving discussions of the
13 concealment of evidence linked to the crime and apprehension avoidance, more likely than not,
14 will be found until the time of apprehension.

15
16 V. Internet history
17

18 Given my knowledge, training and experience described in this affidavit and with
19 particularity that described within this section below, I request the court authorize a search of the
20 internet browsing history on the cellular phone, computers, and electronic devices seized from
21 Nancy Lee Crampton-Brophy, and imaged copies of said cell phones, computers, and electronic
22 devices, for said items created or modified from November 4, 2011 until the date of
23 apprehension for Nancy Lee Crampton-Brophy on September 5, 2018.
24

25 I know based on my training and experience that cell phones, computers, and electronic
26 devices have the capability to browse the internet and such browsing history is stored within the

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3 memory of the cell phone, computer, electronic devices, and small memory storage devices
4 attached to computers. I further know based on my training and experience that persons
5 committing offenses described herein will, more likely than not, possess evidence of their
6 criminal acts within their cell phone, computer, and electronic devices memory storage systems.
7 I know from my training and experience the information stored in these electronic devices can be
8 retained for long periods of time. Such evidence includes plotting, planning and execution of the
9 crime such as researching the location of the crime, researching how to commit the crime
10 including what weapons may be desirable to facilitate the crime and purchasing items and
11 weapons from the internet to assist in the facilitation of the crime. Such evidence also includes
12 apprehension avoidance and concealment of evidence after the crime. I know from my training
13 and experience investigating similar crimes that internet browsing history providing evidence of
14 the crime will, more likely than not, be found throughout the planning phase of the crime until
15 the date of apprehension. Internet browsing history about the crime involving the plotting,
16 planning and execution will, more likely than not, be found throughout the planning phase of the
17 crime and through the date of the crime while internet browsing history after the crime involving
18 discussions of the concealment of evidence linked to the crime and apprehension avoidance,
19 more likely than not, will be found until the date of apprehension;

20
21 **VI. GPS Mapping**
22

23 I know based on my training and experience that automotive global positioning satellite
24 systems (GPS) use satellite tracking technology to position the vehicles location on maps of
25 areas and regions. I know these systems have memory logs and can store a history of entered
26 positions and can also store pre-entered locations for future use in providing directions to those

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3 locations. As the unit uses a memory system to store this data it is possible to examine and recall
4 the locations the unit has traversed.

5
6 Based on the foregoing, I believe that probable cause exists for evidence of the crimes of
7 Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220), will be found inside;
8 The cell phone of NANCY LEE CRAMPTON-BROPHY with assigned phone number [REDACTED]
9 [REDACTED] along with the computers, and electronic devices;

10
11 I know from training and experience that premature disclosure of the contents of this
12 affidavit would jeopardize the investigation because it could release information known only to
13 law enforcement investigators. This could allow information to be released that could otherwise
14 be used to check the accuracy of information by witnesses and suspects related to this case.
15 Based on the foregoing, I request the affidavit be sealed until further ordered by the court,
16 excepting that it may be provided to the defense team in this case subject to the terms of any
17 protective order currently governing discovery in the case.

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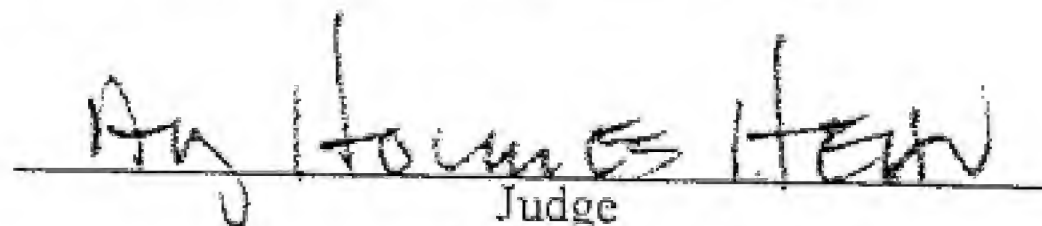
IN THE CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY

Therefore, based on the foregoing I pray for a warrant to search for evidence of crimes related to Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220) to test, and examine, to include, but not limited to:

1. An Apple I-phone belonging to Nancy Lee Crampton-Brophy with assigned number [REDACTED]
2. A purple colored Lexar thumb drive,
3. A silver colored HP laptop computer with serial number [REDACTED]
4. A black and gray colored HP laptop computer with serial number [REDACTED]
5. A Garmin GPS mapping device


Affiant

SUBSCRIBED AND SWORN TO before me this 7th day of Sept 2018


Judge
AMY HOLMES HERIN
CIRCUIT COURT JUDGE

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

1 You are hereby commanded to search for evidence of crimes related to Murder (ORS
2 163.115) and Unlawful Use of a Weapon (ORS 166.220) to test, and examine, to include, but not
3 limited to:

- 4 1. An Apple I-phone belonging to Nancy Lee Crampton-Brophy with assigned number
5 [REDACTED]
6 2. A purple colored Lexar thumb drive,
7 3. A silver colored HP laptop computer with serial number [REDACTED]
8 4. A black and gray colored HP laptop computer with serial number [REDACTED]
9 5. A Garmin GPS mapping device

10
11 And to seize and analyze the aforesaid objects of the search based upon the confines of the
12 affidavit;

13
14 You are further directed to make return of this warrant to me within ten (10) days after
15 the execution thereof.

16 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until
17 otherwise ordered by the court.

18
19
20 ISSUED over my hand on 9/7/18 at 1:37 a.m./p.m.

21
22
23 Amy Holmes Hehn
Signature of Magistrate

24 AMY HOLMES HEHN
CIRCUIT COURT JUDGE

25 _____
Title of Magistrate